

Authority: Scarborough Community Council Item SC8.4,  
as adopted by City of Toronto Council on  
October 2 and 3, 2019

## **CITY OF TORONTO**

### **BY-LAW 1690-2019**

**To amend the former City of Scarborough Eglinton Community Zoning By-law 10048, as amended, with respect to the lands municipally known in the year 2019 as, 2787 and 2791 Eglinton Avenue East.**

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 10048 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto; and

Whereas Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto enacts:

- 1. SCHEDULE 'A'** of the Eglinton Community Zoning By-law 10048, as amended, is further amended by deleting the current zoning and replacing it with the following zoning as shown on the attached Schedule 1:

**A-343-344-516-560-561-562-563-564-565-566-567-568-569-650-651-652-653-654**

2. **SCHEDULE 'B', PERFORMANCE STANDARD CHART**, is amended by adding the following Performance Standards:

### **INTENSITY OF USE**

343. A maximum of 182 **dwelling units** in five (5), 4-storey **apartment buildings** of which 10 percent of the **dwelling units** must have 3-bedroom units.
344. The maximum permitted gross floor area of all residential uses in five (5), 4-storey **apartment buildings** may not exceed 16,000 square metres.

### **SETBACK**

516. No portion of any building or structure erected may be located outside of the area of Blocks A, B, C, D, and E on Schedule 3 of By-law 1690-2019, subject to the following exceptions:
- (i) cornices, sills, eaves, canopies, awnings, bay windows, retaining walls, structures and elements related to outdoor patios at grade and ornamental or architectural features may project to a maximum of 0.5 metres beyond the building envelopes of Blocks A, B, C, D, and E, shown on Schedule 3 of By-law 1690-2019; and
  - (ii) balconies and privacy screens may encroach to a maximum of 1.5 metres;
  - (iii) enclosed stairs and garbage storage areas may encroach to a maximum of 3.0 metres; and
  - (iv) unenclosed stairs may encroach to a maximum of 1.5 metres into the required minimum building setback to Danforth Road, a maximum of 2.0 metres into the required minimum building setback to Eglinton Avenue East and 3.0 metres in all other locations.
560. The minimum **building setbacks** (front, side and rear) for each of the **apartment buildings** are shown on Schedule 3 of By-law 1690-2019.

### **MISCELLANEOUS**

561. The maximum lot **coverage** for the buildings on the lot is 50 percent;
562. A minimum of 203 **parking spaces** must be provided as follows:
- (i) A minimum of 176 **parking spaces** will be provided for residential uses; and
  - (ii) A minimum of 27 **parking spaces** will be provided for visitors.
563. No accessible parking spaces are required.

564. Tandem **parking spaces** are permitted but may not count towards the minimum parking requirements as set out in this by-law.
565. **Vehicle** and loading space access to the lot may be provided from Danforth Road.
566. **Bicycle parking spaces** must be provided in accordance with the following:
- (i) A minimum of 0.75 **bicycle parking space** per **dwelling unit**, allocated as 0.68 "long-term" **bicycle parking spaces** per **dwelling unit** and 0.07 "short-term" **bicycle parking spaces** per **dwelling unit**, where:
    - a. long-term" **bicycle parking spaces** are for use by the occupants or tenants of a building and are located within a building; and
    - b. "short-term" **bicycle parking spaces** are for use by visitors of a building.
  - (ii) Where bicycles are to be stored in a horizontal position the **bicycle parking space** must have the following minimum dimensions:
    - a. minimum length of 1.8 metres;
    - b. minimum width of 0.6 metres; and
    - c. minimum vertical clearance from the ground of 1.9 metres.
  - (iii) Where bicycles are to be stored in a vertical position, the **bicycle parking space** must have the following minimum dimensions:
    - a. minimum length or vertical clearance of 1.9 metres;
    - b. minimum width of 0.6 metres; and,
    - c. minimum horizontal clearance from the wall of 1.2 metres.
  - (iv) Where bicycles are to be stored in a stacked manner, the minimum vertical clearance for each **bicycle parking space** is 1.2 metres.
567. One type "G" loading space must be provided and must have the following minimum dimensions:
- (i) Length of 13.0 metres;
  - (ii) Width of 4.0 metres; and
  - (iii) Vertical Clearance of 6.1 metres.

568. **CLAUSE VI – PROVISIONS FOR ALL ZONES**, sub clause number 7. **Day Nurseries**, in an "M" and "A" shall not apply.
569. No person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) All new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
  - (b) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

### **HEIGHT**

650. The height of a building or structure is measured as the distance between the Canadian Geodetic Datum elevation of 162.36 metres and the highest point of the building or structure.
651. Enclosed roof accesses are not considered a **storey**.
652. The maximum permitted height of a building or structure is specified by the numbers in metres following the letter H, as shown on Schedule 3 attached to this By-law, subject to the following height exceptions:
- (i) Lighting fixtures, cabanas, planters, balustrades, bollards, trellises, parapets, privacy screens, safety railings, guardrails, chimneys, vents, stacks and exhaust stacks, and ornamental or architectural features may extend a maximum of 2.0 metres above the heights shown on Schedule 3 of By-law 1690-2019; and
  - (ii) Mechanical equipment such as heating and cooling stacks, air units, and an emergency generator may extend a maximum of 4.0 metres above the heights shown on Schedule 3 of By-law 1690-2019.
653. There shall be no required minimum height for the first **storey**.
654. No **amenity space** is required.
3. **SCHEDULE "C" EXCEPTIONS LIST, and EXCEPTIONS MAP**, is amended by adding the following Exception Nos. 74 and 75 to the lands outlined on Schedule 'C', so that it reads as follows:
74. On lands identified as Exception No. 74 on the accompanying Schedule "C" map the following provisions shall apply:
- (a) Additional Permitted Uses:

- (i) A temporary sales office for the sale of residential **dwelling units** on the property.
  - (b) The following definitions apply to the lands encompassed by Exception No. 74:
    - (i) **Bicycle Parking Space**  
means an area used for parking or storing a bicycle.
    - (ii) **Gross Floor Area**  
means the sum of the total area of each floor of a building, above and below ground, measured from the exterior of the main wall of each floor level.
  - (c) The **gross floor area** of an **apartment building** is reduced by the area in the building used for:
    - (i) **Parking**, loading and bicycle parking below-ground;
    - (ii) **Required** loading spaces at the ground level and required bicycle parking spaces at or above-ground;
    - (iii) **Storage** rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
    - (iv) **Shower** and change facilities required by this By-law for required bicycle parking spaces;
    - (v) **Elevator** shafts;
    - (vi) **Garbage** shafts;
    - (vii) **Mechanical** penthouse; and
    - (viii) Exit stairwells in the building.
75. On lands identified as Exception No. 75 on the accompanying Schedule "C" map, the following provisions apply:
- (1) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted in return for the provision by the owner, at the owner's expense of the facilities, services and matters, which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.

- (a) Prior to the issuance of the first above grade building permit for the lands, the owner shall provide community benefits to the City in the amount of not less than \$500,000. The community benefits may take one or more of the following three forms:
- (i) A monetary contribution towards capital improvements to Horton Park, with such monetary contribution to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date the Section 37 Agreement is registered on title to the date the payment is made. In the event the monetary contribution has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands;
  - (ii) Improvements to Horton Park undertaken by the owner; and/or
  - (iii) Above Base Park Improvements to the proposed parkland on the lands at 2787 and 2791 Eglinton Avenue East, in which case the contribution shall be made as outlined in the Memorandum to Community Planning provided by Planning, Design and Development Parks, Forestry and Recreation dated November 19, 2019, to the satisfaction of the General Manager, Parks Forestry and Recreation.
- (b) Prior to the issuance of the first above grade building permit for the lands, no less than 1,170 square metres of unencumbered parkland from the lands shall be conveyed to the City. These lands shall be unencumbered and meet Parks, Forestry and Recreation's environmental requirements and base park conditions, as set out in the Memorandum to Community Planning provided by Planning, Design and Development Parks, Forestry and Recreation dated November 19, 2019, to the satisfaction of the General Manager, Parks, Forestry and Recreation.
- (c) Following conveyance of the parkland to the City, should the owner require a Park Occupation Permit (POP) in order to carry out Above Base Park Improvements or an agreement other than a POP for the purpose of construction staging, the POP or other agreement shall not be at the owner's expense.

- (d) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009 and updated through the adoption of Item PG32.3 of the Planning and Growth Management Committee in 2013.
- (2) Where Sections (1)(a) and (1)(b) above require the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (3) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Sections (1)(a) and (1)(b) above are satisfied.

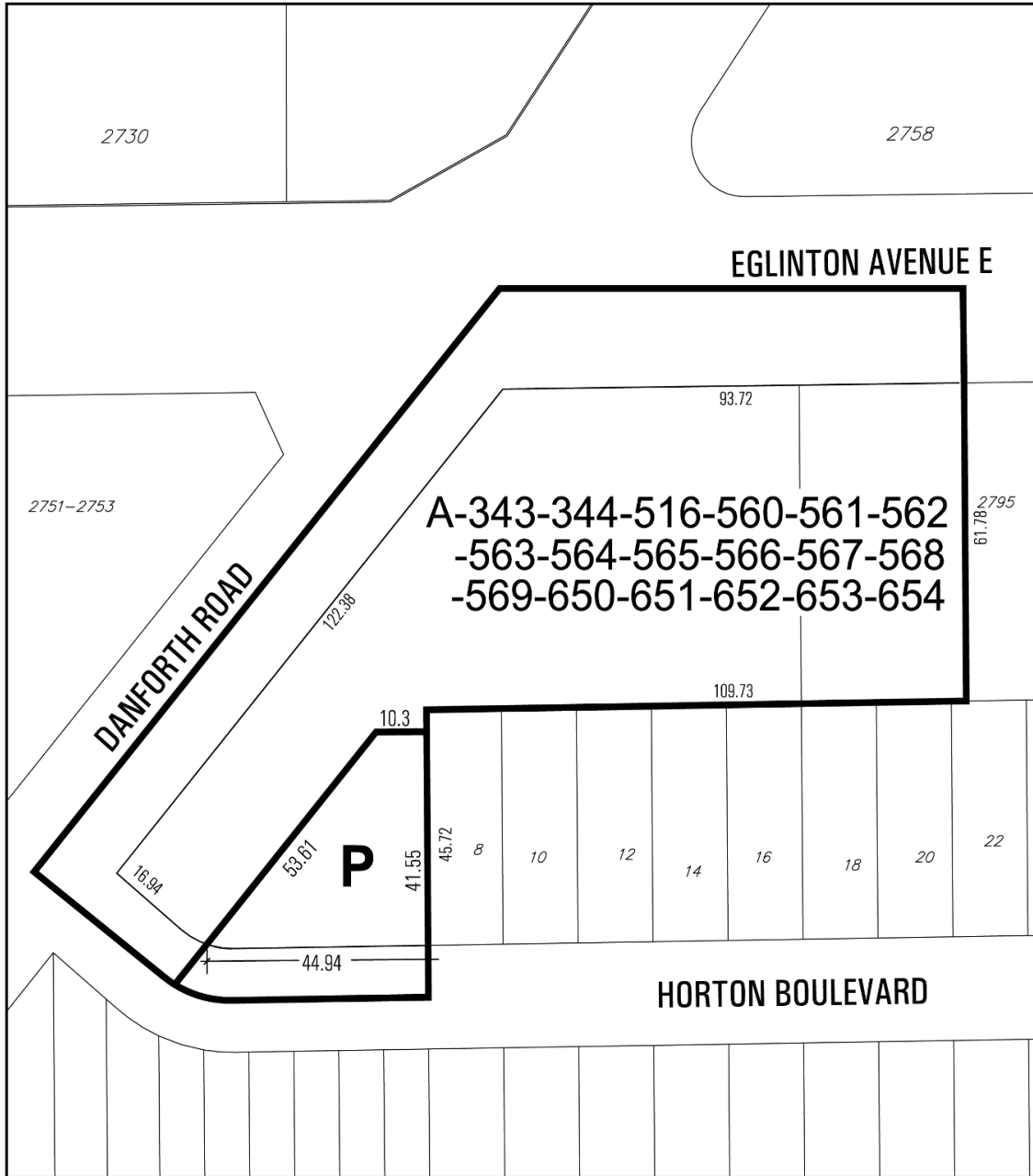
Enacted and passed on November 27, 2019.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

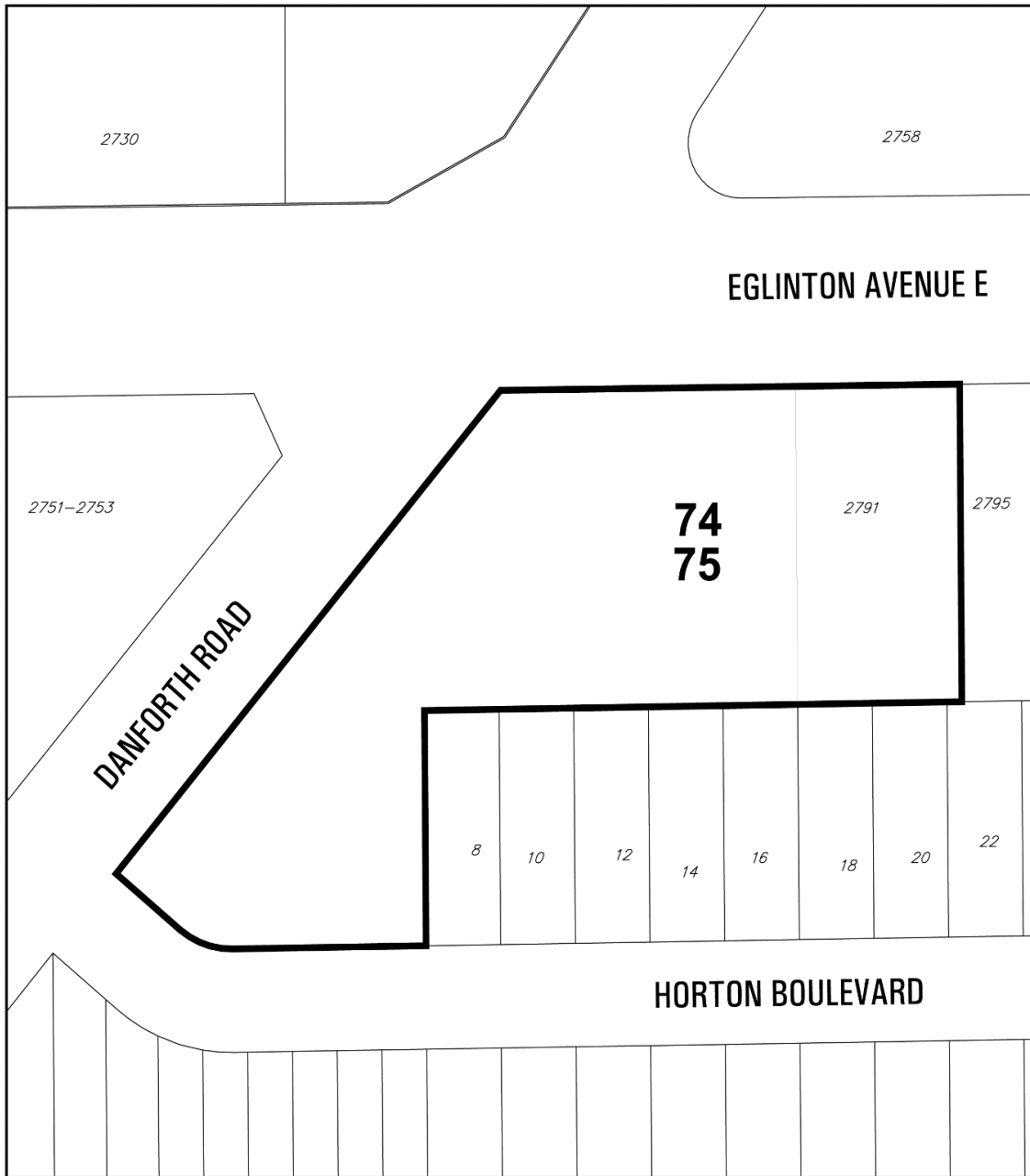
(Seal of the City)

Schedule 1





Schedule 2



Schedule 3

